

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:93-cr-0132-SEB-MJD
)	
ANDRE DESHAWN RODRIGUEZ,)	- 02
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 10, 2016, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 5, 2012. Defendant Rodriguez appeared in person with his appointed counsel Joseph Cleary. The government appeared by Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Rodriguez of his rights and ensured he had a copy of the petition. Defendant Rodriguez waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Rodriguez admitted violation 1.
[Docket No. 10.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall report to the probation officer and shall submit a truthful and complete report within the first five days of each month.”**
- 2 **“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”**

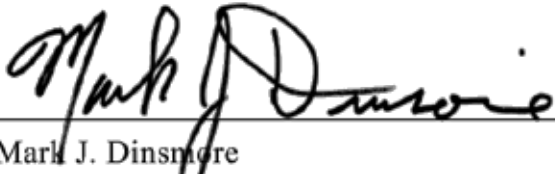
Mr. Rodriguez has been supervised in the Central District of California since his release from imprisonment. According to the supervising probation officer, he has failed to maintain contact and attempts to locate him have been unsuccessful. It is believed Mr. Rodriguez has absconded as his current whereabouts are unknown.

4. The parties stipulated that:
 - (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant’s criminal history category is IV.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.
5. The parties jointly recommended a sentence of 6 months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, and recommends that Defendant’s supervised release be **REVOKED**, and that he be sentenced to the custody of the Attorney General or his designee for a period of six months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 15 AUG 2016



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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